IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

CRP.No. 2019 OF 2002()

AGAINST THE ORDER DATED 16/08/2002 IN IA. 413 /2000 IN OS.624/1992 ON THE FILE OF THE II ADDL.SUB COURT,THRISSUR

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REVN. PETITIONER/PETR. IN I.A./DEFENDANT NO.5 IN O.S.

KRISHNAKUMAR, AGED 46,
S/O. KORAPPATH THANKAMMA, RESIDING AT KORAPPATH LANE, THRISSUR VILLAGE & TALUK.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:/ RESP. IN I.A./PLAINTIFF & DEF.NO.1 TO 4 & 6 IN O.S.

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1. RAVI G.NARI, AGED 52, S/O. AMBADY KALYANIAMMA, POOTHOLE, THRISSUR.

2. CABLES INDIA, POONKUNNAM, THRISSUR, REPRESENTED BY ITS MANAGING PARTNER, VIJAYALAKSHMI, D/O. KORAPPATH THANKAMMA KORAPPATH LANE, THRISSUR.

3. VIJAYALAKSHMI D/O.KARAPPATH THANKAMMA, KORAPPATH LANE, THRISSUR.

4. RATHNAMMA K., PARTNER OF CABLES INDIA, POONKUNNAM, THRISSUR.

5. THANKAMMA K., PARTNER, CABLES INDIA, POONKUNNAM, THRISSUR, RESIDING AT KORAPPATH LANE, THRISSUR. (EXPIRED)

6. RAMANKUTTY K.T., PARTNER, CABLES INDIA, POONKUNNAM, THRISSUR (KORAPPATH HOUSE, KORAPPATH LANE, THRISSUR)

ADDITIONAL RESPONDENT NO:

7. MINI, D/O. THANKAMMA, ENARC APARTMENT, POONKUNNAM P.O., THRISSUR.

(IMPLEADED AS PER ORDER DATED 23.6.2006 ON I.A. 1778/2003)

(PETITIONER AND RESPONDENT NO.3 ARE RECORDED AS THE LEGAL REPRESENTATIVES OF THE DECEASED 5TH RESPONDENT, AS PER MEMO DATED AND RECORDED ON 23.7.2007)

(RESPONDENTS 4 & 6 ARE DELETED FROM THE ARRAY OF PARTIES AS PER ORDER DATED 23.7.2007 ON I.A. NO. 1807/2007)

R1 BY ADV. SRI.P.JACOB VARGHESE
SRI.VIVEK VARGHESE P.J.
R3 & R6 BY ADV. SRI.DENIZEN KOMATH
SMT.SHAIMA .U.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY , PASSED THE FOLLOWING:

ORDER ON CMP NOS. 4993/2002 & 480/2003 IN CRP 2019/2002

// DISMISSED //

23.7.2007. SD/-
P.R. RAMAN, JUDGE.

// TRUE COPY //

P.S. TO JUDGE.

Knc/-

P.R. RAMAN, J.

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I.A. NO. 1806/2007 & C.R.P. 2019/2002

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DATED THIS, THE 23RD DAY OF JULY, 2007.

O R D E R

Out of the seven respondents, except Respondents 1 to 3 and 7, others are deleted from the party array as per order on I.A. 1807/2007 dated 23.7.2007. Respondent No. 5 died. The petitioner and the third respondent are her legal representatives, as per memo recorded.

2. The present application is filed by the petitioner and respondents 1 to 3 under Order 23 Rule 2 of the Code of Civil Procedure to record the compromise and to dispose of the revision in terms thereof. Heard both sides and perused the averments in the petition. After being satisfied, the compromise is recorded, which will form part of this order.

3. The parties agreed that the plaintiff can withdraw the amount of Rs. 2,00,000/- deposited by defendant No.3 on 9.2.2000 along with interest and accretions thereto. Accordingly, there will be a direction permitting the first respondent to withdraw an amount of Rs. 2,00,000/- (two lakhs) along with interest thereon from the Indian Bank, Trichur branch. As and when an application is made by the first respondent herein, the Indian Bank shall release the amount deposited by the third respondent as per TDR No.

TT/BTDF 722627 A/C NO. 18394. The sale conducted on 6.4.1998 in E.P. 347 of 1996 in O.S. No. 624/1992 on the file of the IInd Additional Sub Court, Thrissur, of the E.P. schedule properties are set aside. Consequently, the sale certificate issued in favour of the plaintiff Decree Holder is set aside.

In view of the above terms, the decree is recorded as satisfied.

The civil revision petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

knc/-